

# Unprotection of deer on private property FAQ

(from GMA website – Mar 2019)

## Why are deer protected?

In Victoria, all deer are declared to be 'wildlife' for the purposes of the *Wildlife Act 1975* (the Act) with six established species further listed as game. This recognises deer as a valuable game hunting resource.

All game deer species in Victoria (except Hog Deer) can be harvested all year round with no bag limits. Having them listed as game ensures that they are harvested in a safe, sustainable and humane manner.

## Why aren't Victorian deer species declared pests?

Deer species residing in Victoria are not classified as pests as this will achieve no real on-ground benefit and would leave harvesting un-regulated. This could result in unsafe hunting practices, such as shooting deer under spotlight at night on public land. In addition, there would be a legal obligation for landowners to control deer on their property – this would impose a significant burden for landowners and would divert money and resources away from their core objective of primary production.

## How will declaring deer as unprotected on private property help landowners?

Previously, deer causing damage on private property could only be destroyed after landowners had applied for and received an Authority to Control Wildlife (ATCW) or by using licensed deer hunters. This created an administrative burden and often delayed control. This Governor in Council (GIC) Order removes that burden, allowing landowners to destroy problem deer at their convenience.

## Can landowners use spotlights to assist in the destruction of deer under this Order?

Yes. This is an efficient and effective way to destroy problem deer and is a provision that was previously allowed for landowners operating under an Authority to Control Wildlife for deer.

## Can deer be controlled by a landowner using spotlights beyond the boundary of his/her property?

No. Under the Order, deer can only be controlled within the landowner's property boundary. People found spotlighting deer outside of their property boundaries could be found guilty of an offence under the *Wildlife Act 1975* or land management laws and face heavy penalties.

## Will illegal spotlighting of deer increase once this Order is in place?

No. Managers, permanent employees or anyone acting as an agent for the landowner will need to carry written permission from the landowner to destroy deer under this Order. People found in possession of firearms and spotlights in recognised deer habitat without carrying written permission could be found guilty of an offence under the Wildlife (Game) Regulations, 2012. This addresses any potential risk associated with unauthorised people illegally spotlighting deer. Spotlighting is a significant safety issue on public land.

Anyone suspecting illegal hunting activity should report it to the Game Management Authority (GMA) Customer Service Centre on 136 186.

### What time of year can deer be destroyed under this Order?

Problem deer can be destroyed at any time of year when they are causing damage or injury to landowners' property or livestock.

### What methods can be used to destroy deer under this Order?

Deer must only be destroyed using firearms and ammunition specified in the table below. Spotlights may also be used to assist in the destruction of deer taken under this Governor in Council Order.

**Table: Approved firearms, calibres and projectile weights**

Firearm	Fallow and Chital Deer	Sambar, Rusa and Red Deer	Non-Game Deer eg sika deer*
Centre-fire rifle	a minimum calibre of .243" (6.17 mm) with a minimum projectile weight of 80 grains (5.18 grams).	a minimum calibre of .270" (6.85 mm) with a minimum projectile weight of 130 grains (8.45 grams).	a minimum calibre of .270" (6.85 mm) with a minimum projectile weight of 130 grains (8.45 grams).
Muzzle-loading rifle	a minimum calibre of .38" (9.65 mm) with a minimum projectile weight of 200 grains (12.96 grams).	a minimum calibre of .45" (11.45 mm) with a minimum projectile weight of 230 grains (14.91 grams).	a minimum calibre of .45" (11.45 mm) with a minimum projectile weight of 230 grains (14.91 grams).
Smooth-bore firearm	a minimum bore of 20 and a maximum bore of 12, using a single solid projectile with a minimum weight of 245 grains (15.88 grams) and the firearm must be fitted with either: a front and rear iron sight (other than a beaded sight or sights); or a telescopic sight; or a reflex sight.		

### Why are Hog Deer excluded from this Order?

Hog Deer are not included in the Order as they are particularly vulnerable to hunting given their relatively small population and restricted range in parts of Gippsland. There is no evidence to suggest that the Hog Deer range is expanding. Landowners with problem Hog Deer will still need to apply for an Authority to Control Wildlife (ATCW) permit to destroy

them or act in accordance with the Wildlife (Game) Regulations 2012. This species is not known to cause widespread damage.

### **Will people who destroy deer under this Order be able to use the meat or other parts of the deer?**

Yes, a person destroying deer in accordance with this Order can possess and use any part of the deer for personal consumption.

Any commercial harvester acting in accordance with this Order may possess and use the deer for commercial purposes if it is handled in accordance with PrimeSafe requirements and the Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption or the Standard for the Hygienic Production of Pet Meat.

Landowners can use commercial harvesters, or be commercial harvesters, if they can comply with the requirements outlined above for commercial harvesting. Alternatively, they can take the deer to a knackery/rendering plant for non-consumptive rendering (e.g. fertilizer).

When meat from deer destroyed under this Order is to be stored or transported, it must be accompanied by documentation or a tag on which the following particulars are legibly written: the name and address of the landowner and property from which the deer was destroyed, and the date it was destroyed.

### **Is it unsafe to allow private property owners to shoot deer on their properties?**

Landowners can currently destroy pest animals on private property as long as it is safe and consistent with requirements under the *Firearms Act 1996*. They could also previously destroy deer on private property under an Authority to Control Wildlife permit, so it is considered that there is no increase to potential public safety concerns. All people using firearms must abide by the *Firearms Act 1996*. Under this Order, problem deer cannot be destroyed on public land.

### **What regulations exist to ensure destruction of deer is conducted humanely?**

All deer must be destroyed humanely. The Order sets minimum firearm and ammunition requirements to ensure the technology is of a sufficient minimum standard to ensure a clean kill. People who fail to comply with the requirements of the Order could face a penalty of up to \$7200. Also, people who fail to humanely dispatch a deer could be prosecuted under the *Prevention of Cruelty to Animals Act 1986*.

### **Won't declaring deer as unprotected on private land devalue them as game species?**

This Order will provide farmers with an avenue to control deer without having to apply for and receive an Authority to Control Wildlife permit, removing the current restrictive current arrangements. Declaring deer as "unprotected" on private property does not remove their status as game nor will it impact on the sustainability of game deer populations. The

unprotection order for deer is not inconsistent with the way that wildlife are managed generally. Similar Orders are currently in place for common and abundant native wildlife species that can cause damage, including cockatoos, corellas and wombats, which allows farmers and their agents to control them as required.

### **Will deer still be classified as game?**

This GIC Order balances the needs of the community by maintaining deer as an important game hunting resource while enabling landowners to control problem deer that are causing damage to their properties. Declaring deer as unprotected does not remove their status as 'game' or as 'protected wildlife'.

### **How will this Order impact on deer hunting?**

This Order still maintains deer as an important game hunting resource and doesn't impact on current hunting opportunities. Landowners have previously been able to apply for and receive Authority to Control Wildlife permits to control deer. This Order simply removes the administrative burden associated with that process. The Order does not allow the destruction of deer on public land.

### **Do I need a Game Licence to control problem deer under the Order?**

No. The purpose of the Order is for landowners to **control problem deer** without the administrative burden of having to obtain a Game Licence or Authority to Control Wildlife permit. The landowner's manager, permanent employee or agent only requires the written landowner's authority and a valid firearms licence to control problem deer under the Order.

### **Can licensed deer hunters now use spotlights?**

No. There is a difference between the **recreational hunting of game deer** and the **controlled shooting of problem deer**. Recreational hunting involves the principle of fair chase. There is no hunting skill involved in spotlighting deer and the practice is inconsistent with the principle of fair chase i.e. allowing the deer a chance to evade the hunter.

On the other hand, landowners are not **hunting** deer for recreational purposes under the Order, they are **controlling** problem deer which are damaging property. The landowner is not interested in fair chase, they are only interested in efficiently controlling the problem deer on the property.

People wishing to recreationally hunt deer will still need to obtain a Game Licence and act in accordance with the Wildlife (Game) Regulations 2012. It is an offence for recreational deer hunters to use spotlights for deer hunting or be found in possession of firearms and spotlights in recognised deer habitat.

**I already recreationally hunt on a private property with the permission of the owner, do I now need a written authority under this Order?**

No. As outlined in the question above, recreational hunting of game deer and controlled shooting of problem deer are two different activities.

People wishing to recreationally hunt deer need only obtain a Victorian Game Licence and a valid Firearms Licence and act in accordance with the Wildlife (Game) Regulations 2012 and *Firearms Act 1996*. It is an offence for recreational deer hunters to use spotlights for deer hunting or be found in possession of firearms and spotlights in recognised deer habitat.